

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

--against--

05 Cr. 060 (S-11) (NGG)

VINCENT BASCIANO,

Defendant.

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DEFENDANT VINCENT BASCIANO'S MITIGATING FACTORS

Defendant Vincent Basciano files this list of proposed mitigating factors for submission to the jury. Defendant Basciano's counsel reserve the right to modify, delete or supplement this listing as the case proceeds.

Mitigating Factors

1. If not sentenced to death, Mr. Basciano will be imprisoned for the remainder of his life with no possibility of release. (This mitigating factor must be accepted as proven and must be considered and weighed in your deliberations.)
2. The Federal Bureau of Prisons is capable of fashioning conditions of confinement that will control Mr. Basciano's activities while he is in prison.
3. Joseph "Big Joey" Massino will not be sentenced to death for his role in the murder of George "George from Canada" Sciacca, in furtherance of the Bonnano/Massino crime family.
4. Dominick Cicale will not be sentenced to death for his role in the murder of Randolph "Randy" Pizzolo.

5. Michael “Michael the Nose” Mancuso will not be sentenced to death for his role in the murder of Randolph Pizzolo.
6. Anthony “Ace” Aiello will not be sentenced to death for his role in the murder of Randolph “Randy” Pizzolo.
7. Salvatore “Good Looking Sal” Vitale will not be sentenced to death for his role in the murder of George “George from Canada” Sciacca, in furtherance of the Bonnano/Massino crime family.
8. Patrick Defillipo will not be sentenced to death for his role involving the death of George “George from Canada” Sciacca.
9. The favorable plea agreements offered to cooperating witnesses: Joseph “Big Joey” Massino, Salvatore “Good Looking Sal” Vitale, Michael “Michael the Nose” Mancuso, Anthony Aiello and James “Big Lou” Tartaglione, is something that weighs against imposition of a death sentence for Mr. Basciano.
10. By voluntarily choosing to engage in violent criminal conduct, the victim in this case, Randolph Pizzolo, willingly participated in dangerous and illegal activities, a circumstance that contributed to his unfortunate death.
11. The evidence is insufficient to justify a sentence of death.
12. If Mr. Basciano is executed, others will suffer grief and loss, including his family and friends.
13. Defendant Basciano suffered an abusive childhood.
14. Mr. Basciano has proven himself to be capable of acts of generosity and kindness.
15. Mr. Basciano’s life has value.
16. Other relevant circumstances weigh against imposition of a sentence of death.

Dated: Brooklyn, New York
March 18, 2011

Respectfully submitted,

/S/

Richard Jasper
George Goltzer
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Attorneys for Defendant Vincent Basciano